

REMARKS

Applicants respectfully request reconsideration of the present application in view of the foregoing amendments and in view of the reasons that follow. After amending the claims as set forth above, claims 1 and 11-27 are now pending in this application.

Applicants wish to thank the Examiner for the careful consideration given to the claims.

Information Disclosure Statement

The information disclosure statement (IDS) filed July 14, 2005, cited references DE 89 06 837 ("A4"), EP 9 754 925 ("A5"), DE 196 45 502 ("A7"), and DE 199 09 942 ("A8") on the PTO/SB/08 form. When the PTO/SB/08 form was returned to the Applicants along with the Office Action dated March 31, 2008, these references were not considered by the PTO, and no reason was provided in the Office Action for why they were not considered. MPEP 609 provides "An information disclosure statement filed in accordance with the provisions of 37 CFR 1.97 and 37 CFR 1.98 will be considered by the examiner assigned to the application." The IDS filed on July 14, 2005 complied with these provisions. First, the IDS was filed at the time of the filing of the national stage of the application in compliance with 1.97(b)(1). Second, the A4, A5, A7, and A8 references were listed on the PTO/SB/08 form accompanying the IDS in compliance with 1.98(a)(1). Third, a legible copy of the A4, A5, A7, and A8 references should have been provided directly by WIPO under an exchange program between the PTO, the EPO, and the JPO in compliance for 1.98(a)(2).¹ Fourth, a concise explanation of the relevance in the form of the international search report listing these references with an "X" or "A" indication was submitted in compliance with 1.98(a)(3).²

Because the A4, A5, A7, and A8 references complied with the requirements of 37 CFR 1.97 and 37 CFR 1.98, it is respectfully requested that the A4, A5, A7, and A8

¹ However, as a courtesy, copies of the foreign patents and publications are being provided with this Amendment and Reply to expedite prosecution.

² "Where the information listed is not in the English language, but was cited in a search report or other action by a foreign patent office in a counterpart foreign application, the requirement for a concise explanation of relevance can be satisfied by submitting an English-language version of the search report or action which indicates the degree of relevance found by the foreign office. This may be an explanation of which portion of the reference is particularly relevant, to which claims it applies, or merely an "X", "Y", or "A" indication on a search report." (MPEP 609.04(a))

references be considered, and that a copy of a fully initialed and signed IDS accompany the next Office communication.

Specification

The paragraph starting on page 6, line 18 of the specification has been amended to recite that element 21 is also referred to as a lateral surface or a lateral part. Support for this amendment can be found in the Abstract of the Disclosure as originally filed.

Rejection of claims 20-27 based on 35 U.S.C. 112

Claims 20-27 are rejected under 35 U.S.C. 112, second paragraph as allegedly being indefinite. For at least the following reasons, this rejection is traversed.

The PTO asserts that the terms “wherein the pipe/rib block comprises two end faces which are arranged parallel to one another, and side faces” and “wherein one of the two clamping elements comprises latching arms which are configured to engage over the side faces” are indefinite because “it is not clear what the side faces of the pip/rib block are and how the latching arms engage over it.” (Page 2 of the Office Action.) Claim 20 has been amended to recite “wherein the pipe/rib block comprises two end faces which are arranged parallel to one another, and lateral surfaces” and “wherein one of the two clamping elements comprises latching arms which are configured to extend over one of the lateral surfaces.” Support of this amendment may be found in the Abstract of the original disclosure in which element 21, for example, is referred to as a “lateral surface” or a “lateral part” and original Fig. 3 which shows the latching arm 16 extending over the element 21. One of ordinary skill in the art would understand the meaning of a “lateral surface,” and thus this term is definite. Accordingly, claim 20 and its dependent claims 21-27 are definite.

For at least these reasons, favorable reconsideration of the rejection is respectfully requested.

Conclusion

Applicants believe that the present application is now in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing or a credit card payment form being unsigned, providing incorrect information resulting in a rejected credit card transaction, or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicants hereby petition for such extension under 37 C.F.R. §1.136 and authorize payment of any such extensions fees to Deposit Account No. 19-0741.

Respectfully submitted,

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